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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,913	03/30/2001	Steven G. Smith	BELL-0073/00349	9013

7590 05/19/2003
Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
46th Floor
One Liberty Place
Philadelphia, PA 19103

EXAMINER

NGUYEN, TAI T

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 05/19/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,913

Applicant(s)

Smith et al.

Examiner

Tai Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 4, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Duley (US 5,459,671).

Regarding claim 1, Duley discloses a method for indicating the battery status in a portable computer including all subject matters as follow:

retrieving battery status data from a basic input-output system (BIOS) on a computing device, the battery status data reflecting of a characteristic of the battery (46, col. 5, lines 4-39);

comparing the retrieved battery status data to a predefined battery status threshold stored on the computing device (col. 11, lines 50- 67 and col. 12, lines 1-28); and

based on the comparison of the battery status data to the predefined battery status threshold, providing a battery status indicator to an applications program placed within a microcontroller (16) in order to display battery status information on a computing display (12, 20) via user interface of the applications program (figure 1; col. 4, line 62 through col. 5, line 39); and

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Regarding claim 2, as mention in claim 1 above, Duley discloses the retrieving battery status data from a basic input-output system (BIOS) on the computing device comprises retrieving battery status data relating to the voltage of the battery from the BIOS on the computing device (col. 1, lines 41-55).

Regarding claim 3, Duley disclose a software placed within a microcontroller (16) that monitors the charge gauge integrated circuit (18) and obtains battery data and battery status information, wherein the microcontroller (16) communicates the battery information to a system microprocessor (10) which initiating a BIOS interrogating routine to retrieve battery status data from a BIOS in the computing device (col. 5, lines 14-39).

Regarding claim 5, refer to claim 1 above.

Regarding claim 6, as shown in Figure 2, Duley discloses displaying the battery status indicator comprises displaying a gauge representative of a current battery status (24, col. 5, line 40 through col 6, line 5).

Regarding claim 7, Duley also disclose that the predefined battery status threshold is user-definable by level setting (28, col. 5, line 60 through col. 6, line 5).

Regarding claim 8, refer to claim 1 above.

Regarding claim 9, refer to claim 3 above.

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Response to Argument

3. Applicant's request for RCE filed on April 28, 2003 have been fully consider but they are not persuasive reasons.

Applicant's Argument:

a. Applicant argues that Duley nowhere teaches, explicit or inexplicit, that the battery status is displayed via a user interface of an application program.

Response to Argument:

In response to Attorney Remarks, all of the limitations have been addressed in the action record,

a. As mentioned in claim 1 above, Examiner believes that Duley discloses the use of display (12, 20) for displaying the battery status to an applications program placed within a microcontroller (16) in order to display battery status information on a computing display (12, 20) via user interface of the applications program, wherein the computing display (computer monitor) or icon display can be considered as the user interface (figure 1; col. 4, line 62 through col. 5, line 39); and (20; col. 5, lines 10-14). Based on the above teaching, it is believes that the limitation of claims 1 and 8 are still met by the reference (Duley). Therefore, the rejection to claims 1-3 and 5-9 are still maintained.

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Conclusion

4. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication should be directed to Examiner Tai T. Nguyen at telephone number (703) 308-0160. The examiner can normally be reached on Monday-Friday, 7:00am-5:00pm.


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If attempt to reach the examiner by telephone is unsuccessful, the examiner's acting supervisor, Daniel J. Wu, can be reached on (703) 308-6730.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-8576, Mon-Fri, 8:30am-5:00pm.

Examiner: Tai T. Nguyen

Date: May 16, 2003


DANIEL J. WU
PRIMARY EXAMINER
5/16/03